

FEB 21 2006

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1744

In re:

Patent Application of

Steven W. Dvorak

Application No. 10/694,244

Confirmation No.: 3742

Filed: October 27, 2003

Examiner: David A. Redding

"METHOD AND APPARATUS FOR SOLIDS PROCESSING"

I, Susan Pomeranz, hereby certify that this correspondence is being faxed to the United States Patent and Trademark Office at 571-273-0025 to the Commissioner For Patents, Mail Stop RCE on the date of my signature:

Susan Pomeranz
Signature
2/21/2006
Date of Signature

**PETITION UNDER 37 C.F.R. 1.313 FOR WITHDRAWAL
OF APPLICATION FROM ISSUE**

MAIL STOP PETITION
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant respectfully requests withdrawal of the above-identified patent application from issue. The issue fee for the present application was paid on September 27, 2005. The patent is set to issue on February 28, 2006.

During the prosecution of related U.S. Patent Application No. 10/217,369, the Examiner cited three references in an Office action dated September 12, 2005. The Applicant cited these references with the present application in a supplemental information disclosure statement (SIDS) filed under 37 C.F.R. 1.97(d) on September 27, 2005. On December 27, 2005, the Applicant received notice that the Patent Office rejected the SIDS for failing to comply with the C.F.R. for lacking a statement in compliance with 37 C.F.R. 1.97(e). The Applicant attempted to contact the Examiner on January 11, 2006 and February 2, 2006, and finally reached the Examiner on February 17, 2006, regarding Applicant's bona fide attempt to submit the references for consideration. The Examiner reiterated that any subsequently-

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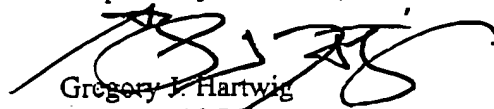
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submitted SIDS would be considered as being filed on its actual filing date, and would not be entitled to the September 17, 2005 filing date.

Accordingly, the Applicant is forced to petition for the withdrawal of this application from issue to ensure consideration of the references. Therefore, withdrawal of the application from issue and consideration of the references are respectfully requested. A request for continued examination (RCE) is being submitted herewith. Acknowledgements of receipt of this petition, as well as notification of the grant or denial of the petition, are requested by return facsimile. The undersigned is available for a telephone consultation if that would assist in the resolution of this matter.

Please charge our Deposit Account No. 13-3080 for the petition fee amount of \$130.00 under 37 C.F.R. 1.17(i) as well as for the RCE fee amount of \$395.00 under 37 C.F.R. 1.17(e), assuming the petition is granted.

Respectfully submitted,



Gregory J. Hartwig
Reg. No. 46,761

File No. 031154-9002-04
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GJH/DFP

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FROM: Gregory J. Hartwig**PHONE:** 414.225.4943**SENT BY:** Susan Pomeranz**EXTENSION:** 5244**LOCATION:** 31SE

RE: Petition for Withdrawal of Application From Issue; Request for Continued Examination and Information Disclosure Statement

NUMBER OF PAGES, INCLUDING COVER:		8		
CLIENT-MATTER NUMBER:	031154-9002-04	SENDER'S ACCOUNT NUMBER	950	

NOTES/COMMENTS:

Please direct any questions to Gregory J. Hartwig.

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